

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)
Plaintiff,)
v.)
COMMONWEALTH OF MASSACHUSETTS;)
MASSACHUSETTS DEPARTMENT OF) Civil Action No. 05-10112 JLT
ENVIRONMENTAL PROTECTION; MITT)
ROMNEY, in his capacity as Governor of)
JR., in his capacity as Commissioner of the)
Massachusetts Department of Environmental)
Protection,)
Defendants, and)
THE COALITION FOR BUZZARDS BAY,)
Intervenor-Defendant)
THE AMERICAN WATERWAYS OPERATORS,)
INTERNATIONAL ASSOCIATION OF)
INDEPENDENT TANK VESSEL OWNERS,)
CHAMBER OF SHIPPING OF AMERICA, and)
BIMCO,)
Intervenor-Plaintiffs,)
v.)
MITT ROMNEY, Governor of Massachusetts,)
and ROBERT W. GOLLEDGE, JR.,)
Commissioner of the Massachusetts Department)
of Environmental Protection,)
Defendants.)

**ASSENTED-TO MOTION FOR LEAVE FOR
C. JONATHAN BENNER TO APPEAR PRO HAC VICE**

The undersigned, counsel for the Intevenor-Plaintiffs and a member of the bar of this Court, hereby requests, pursuant to Local Rule 83.5.3, that C. Jonathan Benner, a partner in the law firm Troutman Sanders LLP, located in Washington, D.C., be permitted to appear as counsel for the Intevenor-Plaintiffs and practice in this Court pro hac vice. Mr. Benner has a prior relationship with the Intevenor-Plaintiffs which will be of assistance in litigating this case on behalf of the Intevenor-Plaintiffs.

Mr. Benner is a member of the bar in good standing in the courts of the District of Columbia, the United States District Court for the District Columbia, the United States Court of Appeals for the District of Columbia Circuit, the United States Court of Appeals for the Fourth Circuit, the United States Court of Appeals for the Ninth Circuit and the United States Supreme Court. Attached as Exhibit A hereto is a Declaration signed by Mr. Benner setting forth the information required under Local Rule 83.5.3.

Counsel for the other parties to this action have assented to the relief requested in this motion.

Respectfully Submitted,

Dated: February 8, 2006

/s/ Andrew J. Hachey

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 Owners, Chamber of Shipping of America, and BIMCO*

CERTIFICATION PURSUANT TO LOCAL RULE 7.1

Pursuant to Local Rule 7.1, the undersigned represents that counsel for each of the other parties to this action have conferred and assented to the relief requested in this Motion.

/s/ Andrew J. Hachey
Andrew J. Hachey

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent by U.S. mail to those indicated as non-registered participants on February 8, 2006.

/s/ Andrew J. Hachey
Andrew J. Hachey

EXHIBIT A

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DECLARATION OF C. JONATHAN BENNER

I, C. Jonathan Benner, declare, under the penalties of perjury, as follows:

1. I am a partner with the law firm of Troutman Sanders LLP, resident in Washington, D.C. This declaration is respectfully submitted in support of the accompanying Motion, filed pursuant to Local Rule 83.5.3, seeking my admission to practice before the Court in the above-captioned case.
2. I am a member in good standing of the bars of the District of Columbia, the United States District Court for the District Columbia, the United States Court of Appeals for the District of Columbia Circuit, the United States Court of Appeals for the Fourth Circuit, the United States Court of Appeals for the Ninth Circuit and the Supreme Court of the United States.
3. There is no disciplinary proceeding pending against me as a member of the bar in any jurisdiction.
4. I am familiar with the Local Rules of this Court.
5. This application, pursuant to Local Rule 83.5.3, is made so that I may appear on behalf of the Intervenor-Plaintiffs, with which I have prior relationships.

I declare under the penalty of perjury that the foregoing is true and accurate.

SIGNED UNDER THE PENALTIES OF PERJURY
THIS 8th DAY OF FEBRUARY, 2006


C. Jonathan Benner